

The Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HOWARD BERRY and DAVID BERRY,
individually and on behalf of all others similarly
situated,

Plaintiffs,

v.

TRANSDEV SERVICES, INC. f/k/a VEOLIA
TRANSPORTATION SERVICES, INC.;
TRANSDEV NORTH AMERICA, INC., f/k/a
VEOLIA SERVICES, INC.; and FIRST
TRANSIT, INC.,

Defendants.

Case No.: 2:15-cv-01299-RAJ

**DECLARATION OF BREANNE
MARTELL IN SUPPORT OF
DEFENDANT FIRST TRANSIT,
INC.'S MOTION TO DISMISS
TRANSDEV SERVICES, INC.'S
CROSS-CLAIM FOR FAILURE TO
STATE A CLAIM**

**NOTING DATE: NOVEMBER 18,
2016**

I, Breanne Martell, declare as follows:

1. I am an attorney at Littler Mendelson, P.C., counsel for Defendant First Transit, Inc. I am over eighteen years of age and have personal knowledge of the information stated herein.

2. On October 20, 2016, I held a telephone conference with Transdev's counsel, Anthony Todaro, to discuss the substantive grounds for First Transit's Motion to Dismiss Transdev's Cross-Claim. The parties were unable to agree on a potential resolution short of First Transit filing the Motion.

**DECL. OF BREANNE MARTELL IN SUPPORT OF
FIRST TRANSIT, INC.'S MOTION TO DISMISS
TRANSDEV'S CROSS-CLAIM - 1
Case No. 2:15-cv-01299-RAJ**

LITTLER MENDELSON, P.C.
One Union Square
600 University Street, Suite 3200
Seattle, WA 98101.3122
206.623.3300

3. Attached as **Exhibit 1** is a true and correct copy of the Paratransit Service Operator Contract Between King County and Veolia Transportation Services, Inc. (“the Transdev contract”), which was provided to us by Transdev’s counsel in this matter.

4. Attached as **Exhibit 2** is a true and correct copy of the Paratransit Control Center Contract Between King County and First Transit, Inc. (“the First Transit contract”), which was produced in this litigation with Bates numbers FT 0001 through FT 0225.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed at Seattle, Washington, this 24th day of October, 2016.

s/ Breanne Martell
Breanne Martell, WSBA #39632
bsmartell@littler.com

CERTIFICATE OF SERVICE

I am a resident of the State of Washington, over the age of eighteen years, and not a party to the within action. My business address is One Union Square, 600 University Street, Ste. 3200, Seattle, WA 98101. On October 24, 2016, I

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| ✕ | ELECTRONICALLY FILED the foregoing document(s) with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following: |
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|--|--|
| <p>Toby J. Marshall, WSBA #32726 tmarshall@terrellmarshall.com Jennifer Rust Murray, WSBA # 36983 jmurray@terrellmarshall.com Erika L. Nusser, WSBA #40854 enusser@terrellmarshall.com TERRELL MARSHALL LAW GROUP PLLC 936 North 34th Street, Suite 300 Seattle, Washington 98103-8869 Telephone: 206-816-6603 Facsimile: 206-319-5450</p> <p><i>Attorneys for Plaintiffs</i></p> | <p>Jeffrey Needle, WSBA #6346 jneedle@wolfenet.com LAW OFFICES OF JEFFREY L. NEEDLE 119 1st Avenue, Suite 200 Seattle, Washington 98104 Telephone: 206-447-1560 Facsimile: 206-447-1523</p> <p><i>Attorneys for Plaintiffs</i></p> |
| <p>Stellman Keehnel, WSBA No. 9309 stellman.keechnel@dlapiper.com Anthony Todaro, WSBA No. 30391 anthony.todaro@dlapiper.com Austin Rainwater, WSBA No. 41904 austin.rainwater@dlapiper.com DLA PIPER US LLP (WA) 701 Fifth Avenue, Suite 7000 Seattle, Washington 98104-7044 Tel: 206.839.4800 Fax: 206.839.4801</p> <p><i>Attorneys for Transdev Defendants</i></p> | |

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. Executed on October 24, 2016, at Seattle, Washington.

s/ Sally Swearinger

Sally Swearinger

sswearinger@littler.com

LITTLER MENDELSON, P.C.

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**DECL. OF BREANNE MARTELL IN SUPPORT OF
FIRST TRANSIT, INC.'S MOTION TO DISMISS
TRANSEDEV'S CROSS-CLAIM - 3
Case No. 2:15-cv-01299-RAJ**

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